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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/560,392	04/28/2000	Michael Wayne Brown	AUS000029US1	3336

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EXAMINER

YOUNG, JOHN L

ART UNIT

PAPER NUMBER

3622

DATE MAILED: 01/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/560,392

Applicant(s)
Brown et al.,

Examiner
John Young

Art Unit
3622



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Apr 28, 2000
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-72 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-72 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 3 & 5 6) ☐ Other:

Art Unit: 3622

FIRST ACTION REJECTION

DRAWINGS

1. This application has been filed with drawings that are considered informal; said drawings are acceptable for examination purposes. The review process for drawings that are included with applications on filing has been modified in view of the new requirement to publish applications at eighteen months after the filing date of applications, or any priority date claimed under 35 U.S.C. §§119, 120, 121, or 365.

CLAIM REJECTIONS — 35 U.S.C. §103(a)

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Art Unit: 3622

2. Claims 1-72 are rejected under 35 U.S.C. §103(a) as being unpatentable over Katz US 6,055,513 (Apr. 25, 2000) [US f/d: 03/11/1998] (herein referred to as "Katz").

As per independent claim 1, Katz (the ABSTRACT; FIG. 6; col. 2, ll. 55-67; col. 3, ll. 15-67; col. 4, ll. 1-67; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-67; col. 11, ll. 30-67; col. 13, ll. 25-67; col. 14, ll. 39-67; col. 17, ll. 36-67; col. 18, ll. 1-15; col. 23, ll. 60-67; col. 24, ll. 1-5; col. 26, ll. 66-67; col. 27, ll. 1-22; col. 28, ll. 20-29) shows elements that suggest: "A method for electronically managing consumer preferences, said method comprising the steps of: transmitting consumer preferences for a particular user from a portable data processing system associated with said particular user in a transmittable data format to a plurality of independent server systems each associated with a particular consumer provider from among a plurality of consumer providers; and receiving designated offerings of services and products in accordance with said consumer preferences from said plurality of independent server systems at said portable data processing system in said transmittable data format."

Katz lacks explicit recitation of: "transmitting consumer preferences for a particular user from a portable data processing system associated with said particular user in a transmittable data format to a plurality of independent server systems each associated with a particular consumer provider. . . ." even though Katz suggest same.

It would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of Katz (the ABSTRACT; FIG. 6; col. 2, ll. 55-67; col. 3, ll.

Art Unit: 3622

15-67; col. 4, ll. 1-67; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-67; col. 11, ll. 30-67; col. 13, ll. 25-67; col. 14, ll. 39-67; col. 17, ll. 36-67; col. 18, ll. 1-15; col. 23, ll. 60-67; col. 24, ll. 1-5; col. 26, ll. 66-67; col. 27, ll. 1-22; col. 28, ll. 20-29) would have been selected in accordance with “transmitting consumer preferences for a particular user from a portable data processing system associated with said particular user in a transmittable data format to a plurality of independent server systems each associated with a particular consumer provider. . . .” because such selection would have provided means *“for effecting remote commerce . . . which are particularly adapted for the intelligent selection and proffer of products, services or information to a user or customer.”* (See Katz (col. 8, ll. 34-40)).

As per claims 2-11, Katz shows the method of claim 1 and subsequent base claims depending from claim 1.

Katz lacks explicit recitation of the elements and limitations of claims 2-11, even though Katz suggests same.

Official Notice is taken that both the concepts and the advantages of the elements and limitations of claims 2-11 were well known and expected in the art at the time of the invention. It would have been obvious to a person of ordinary skill in the art at the time of the invention to include the elements and limitations of claims 2-11, because such elements and limitations would have provided means *“for effecting remote commerce . . . which are*

Art Unit: 3622

particularly adapted for the intelligent selection and proffer of products, services or information to a user or customer.” (See Katz (col. 8, ll. 34-40)).

Independent claim 12 is rejected for substantially the same reasons as claim 1.

Dependent claims 13-22 are rejected for substantially the same reasons as claims 2-11.

Independent claim 23 is rejected for substantially the same reasons as claim 1.

Dependent claims 24-33 are rejected for substantially the same reasons as claims 2-11.

As per independent claim 34, Katz (the ABSTRACT; FIG. 6; col. 2, ll. 55-67; col. 3, ll. 15-67; col. 4, ll. 1-67; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-67; col. 11, ll. 30-67; col. 13, ll. 25-67; col. 14, ll. 39-67; col. 17, ll. 36-67; col. 18, ll. 1-15; col. 23, ll. 60-67; col. 24, ll. 1-5; col. 26, ll. 66-67; col. 27, ll. 1-22; col. 28, ll. 20-29) shows elements that suggest: “A method for managing consumer offerings by consumer providers, said method comprising the steps of: receiving consumer preferences for a particular user from a portable computer system in a particular transmittable data

Art Unit: 3622

format at a particular server system form among a plurality of independent server systems, wherein each of said plurality of independent server systems respectively comprises a data base of services and products provided by a particular consumer provider from among said plurality of consumer providers; designating an offering of services and products for said particular user at said particular server system, in response to comparison of said consumer preferences with said database of services and products at said particular server system; and transmitting said designated offering to said portable computer system in said particular transmittable data format.”

Katz lacks explicit recitation of: “transmitting said designated offering to said portable computer system in said particular transmittable data format. . . .” even though Katz suggest same.

It would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of Katz (the ABSTRACT; FIG. 6; col. 2, ll. 55-67; col. 3, ll. 15-67; col. 4, ll. 1-67; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-67; col. 11, ll. 30-67; col. 13, ll. 25-67; col. 14, ll. 39-67; col. 17, ll. 36-67; col. 18, ll. 1-15; col. 23, ll. 60-67; col. 24, ll. 1-5; col. 26, ll. 66-67; col. 27, ll. 1-22; col. 28, ll. 20-29) would have been selected in accordance with “transmitting said designated offering to said portable computer system in said particular transmittable data format. . . .” because such selection would have provided means “*for effecting remote commerce . . . which are*

Art Unit: 3622

particularly adapted for the intelligent selection and proffer of products, services or information to a user or customer.” (See Katz (col. 8, ll. 34-40)).

As per claims 35-38, Katz shows the method of claim 34 and subsequent base claims depending from claim 34.

Katz lacks explicit recitation of the elements and limitations of claims 35-38, even though Katz suggests same.

Official Notice is taken that both the concepts and the advantages of the elements and limitations of claims 35-38 were well known and expected in the art at the time of the invention. It would have been obvious to a person of ordinary skill in the art at the time of the invention to include the elements and limitations of claims 35-38, because such elements and limitations would have provided means “*for effecting remote commerce . . . which are particularly adapted for the intelligent selection and proffer of products, services or information to a user or customer.*” (See Katz (col. 8, ll. 34-40)).

Independent claim 39 is rejected for substantially the same reasons as claim 34.

Dependent claims 40-43 are rejected for substantially the same reasons as claims 35-38.

Art Unit: 3622

Independent claim 44 is rejected for substantially the same reasons as claim 34.

As per independent claim 45, Katz (FIG. 6; col. 22, ll. 7-13; the ABSTRACT; FIG. 6; col. 2, ll. 55-67; col. 3, ll. 15-67; col. 4, ll. 1-67; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-67; col. 11, ll. 30-67; col. 13, ll. 25-67; col. 14, ll. 39-67; col. 17, ll. 36-67; col. 18, ll. 1-15; col. 23, ll. 60-67; col. 24, ll. 1-5; col. 26, ll. 66-67; col. 27, ll. 1-22; col. 28, ll. 20-29) shows elements that suggest: “A method for automatically electronically registering a user with a plurality of consumer providers, said method comprising the steps of: receiving at each of a plurality of server systems a user profile comprising a plurality of profile elements transmitted in a particular transmittable data format for a particular user from a portable computer system, wherein each of said plurality of server systems is respectively associated with one of a plurality of consumer providers; inserting each of said plurality of profile elements respectively into a specified plurality of electronic registration elements required for electronic registration at a particular server system from among said plurality of server systems; and transmitting a registration indicator for said particular user from said particular server system to said portable computer system in said particular transmittable data format, such that said particular user is automatically registered with said plurality of consumer providers by transmitting said single user profile to said plurality of server systems.”

Art Unit: 3622

Katz lacks explicit recitation of: “inserting each of said plurality of profile elements respectively into a specified plurality of electronic registration elements required for electronic registration at a particular server system from among said plurality of server systems; and transmitting a registration indicator for said particular user form said particular server system to said portable computer system in said particular transmittable data format, such that said particular user is automatically registered. . . .” even though Katz suggest same.

It would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of Katz (FIG. 6; col. 22, ll. 7-13; the ABSTRACT; FIG. 6; col. 2, ll. 55-67; col. 3, ll. 15-67; col. 4, ll. 1-67; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-67; col. 11, ll. 30-67; col. 13, ll. 25-67; col. 14, ll. 39-67; col. 17, ll. 36-67; col. 18, ll. 1-15; col. 23, ll. 60-67; col. 24, ll. 1-5; col. 26, ll. 66-67; col. 27, ll. 1-22; col. 28, ll. 20-29) would have been selected in accordance with “transmitting said designated offering to said portable computer system in said particular transmittable data format. . . .” because such selection would have provided means “*for effecting remote commerce . . . which are particularly adapted for the intelligent selection and proffer of products, services or information to a user or customer.*” (See Katz (col. 8, ll. 34-40)).

Art Unit: 3622

As per claims 46-50, Katz shows the method of claim 45 and subsequent base claims depending from claim 45.

Katz lacks explicit recitation of the elements and limitations of claims 46-50, even though Katz suggests same.

Official Notice is taken that both the concepts and the advantages of the elements and limitations of claims 46-50 were well known and expected in the art at the time of the invention. It would have been obvious to a person of ordinary skill in the art at the time of the invention to include the elements and limitations of claims 46-50, because such elements and limitations would have provided means *"for effecting remote commerce . . . which are particularly adapted for the intelligent selection and proffer of products, services or information to a user or customer."* (See Katz (col. 8, ll. 34-40)).

Independent claim 51 is rejected for substantially the same reasons as claim 45.

Dependent claims 52-56 are rejected for substantially the same reasons as claims 46-50.

Independent claim 57 is rejected for substantially the same reasons as claim 45.

Art Unit: 3622

Dependent claims 58-59 are rejected for substantially the same reasons as claims 52-53.

Dependent claim 60 is rejected for substantially the same reasons as claim 56.

As per independent claim 61, Katz (the ABSTRACT; FIG. 6; col. 2, ll. 55-67; col. 3, ll. 15-67; col. 4, ll. 1-67; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-67; col. 11, ll. 30-67; col. 13, ll. 25-67; col. 14, ll. 39-67; col. 17, ll. 36-67; col. 18, ll. 1-15; col. 23, ll. 60-67; col. 24, ll. 1-5; col. 26, ll. 66-67; col. 27, ll. 1-22; col. 28, ll. 20-29) shows elements that suggest: “A method for managing staff at a consumer provider, said method comprising the steps of: receiving at a server system associated with a particular consumer provider a plurality of consumer preferences associated with a particular user transmitted from a portable computer system associated with said particular user when said portable computer system is detected within a particular proximity of said particular consumer provider; filtering at said server system said plurality of consumer preferences according to products or services provided by said particular consumer provider; and controlling output of selective instructions for staff of said particular consumer provider, in response to filtering said plurality of consumer preferences according to products or services provided by said particular consumer provider, such that

Art Unit: 3622

said staff for said particular consumer provider receive selective instructions for serving said particular user according to said plurality of consumer preferences and said products or services provided by said particular consumer provider when said particular user is within a particular proximity of said particular consumer provider.”

Katz lacks explicit recitation of: “A method for managing staff at a consumer provider. . . .” even though Katz suggest same.

It would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of Katz (the ABSTRACT; FIG. 6; col. 2, ll. 55-67; col. 3, ll. 15-67; col. 4, ll. 1-67; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-67; col. 11, ll. 30-67; col. 13, ll. 25-67; col. 14, ll. 39-67; col. 17, ll. 36-67; col. 18, ll. 1-15; col. 23, ll. 60-67; col. 24, ll. 1-5; col. 26, ll. 66-67; col. 27, ll. 1-22; col. 28, ll. 20-29) would have been selected in accordance with “A method for managing staff at a consumer provider. . . .” because such selection would have provided means “*for effecting remote commerce . . . which are particularly adapted for the intelligent selection and proffer of products, services or information to a user or customer.*” (See Katz (col. 8, ll. 34-40)).

As per claims 62-64, Katz shows the method of claim 61 and subsequent base claims depending from claim 61.

Art Unit: 3622

Katz lacks explicit recitation of the elements and limitations of claims 62-64, even though Katz suggests same.

Official Notice is taken that both the concepts and the advantages of the elements and limitations of claims 62-64 were well known and expected in the art at the time of the invention. It would have been obvious to a person of ordinary skill in the art at the time of the invention to include the elements and limitations of claims 62-64, because such elements and limitations would have provided means *"for effecting remote commerce . . . which are particularly adapted for the intelligent selection and proffer of products, services or information to a user or customer."* (See Katz (col. 8, ll. 34-40)).

Independent claim 65 is rejected for substantially the same reasons as claim 61.

Dependent claims 66-68 are rejected for substantially the same reasons as claims 62-64.

Dependent claim 69 is rejected for substantially the same reasons as claim 61.

As per independent claim 70, Katz (the ABSTRACT; FIG. 6; col. 2, ll. 55-67; col. 3, ll. 15-67; col. 4, ll. 1-67; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67;

Art Unit: 3622

col. 9, ll. 1-67; col. 11, ll. 30-67; col. 13, ll. 25-67; col. 14, ll. 39-67; col. 17, ll. 36-67; col. 18, ll. 1-15; col. 23, ll. 60-67; col. 24, ll. 1-5; col. 26, ll. 66-67; col. 27, ll. 1-22; col. 28, ll. 20-29) shows elements that suggest the elements and limitations of claim 70.

Katz lacks explicit recitation of: “A method for managing electronic advertising from a consumer provider. . . .” even though Katz suggest same.

It would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of Katz (the ABSTRACT; FIG. 6; col. 2, ll. 55-67; col. 3, ll. 15-67; col. 4, ll. 1-67; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-67; col. 11, ll. 30-67; col. 13, ll. 25-67; col. 14, ll. 39-67; col. 17, ll. 36-67; col. 18, ll. 1-15; col. 23, ll. 60-67; col. 24, ll. 1-5; col. 26, ll. 66-67; col. 27, ll. 1-22; col. 28, ll. 20-29) would have been selected in accordance with “A method for managing electronic advertising from a consumer provider. . . .” because such selection would have provided means “*for effecting remote commerce . . . which are particularly adapted for the intelligent selection and proffer of products, services or information to a user or customer.*” (See Katz (col. 8, ll. 34-40)).

Dependent claims 71-72 are rejected for substantially the same reasons as claim 70.

Art Unit: 3622

CONCLUSION

3. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Any response to this action may be sent via facsimile to either:

(703) 746-7239 or (703) 872-9314 (for formal communications EXPEDITED PROCEDURE) or

(703) 746-7239 (for formal communications marked AFTER-FINAL) or

(703) 746-7240 (for informal communications marked PROPOSED or DRAFT).

Hand delivered responses may be brought to:

Seventh floor Receptionist
Crystal Park V
2451 Crystal Drive
Arlington, Virginia.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L. Young who may be reached via telephone at (703) 305-3801. The examiner can normally be reached Monday through Friday between 8:30 A.M. and 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, may be reached at (703) 305-8469.

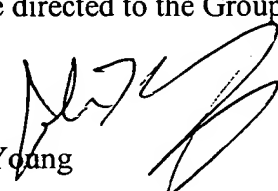
Serial Number: 09/560,392

(Brown et al.)

16

Art Unit: 3622

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.


John L. Young

Patent Examiner

(Partial Signatory Authority)

December 30, 2002